

June 14, 2012

Massachusetts Department of Energy Resources

**RE: Response to 225 CMR 14.00 Renewable Energy Portfolio Standard (RPS)  
Regulation-Biomass Energy Rulemaking**

Thank you for the opportunity to comment on the Renewable Energy Portfolio Standard (RPS) Regulation-Biomass Energy Rulemaking.

I would like to go on record that, in general, the Regulation is flawed for the following major reasons:

The Regulations were based on the Manomet Study of Woody Biomass Energy which used an inappropriate assumptions and scope of context (woodlot level analysis). A landscape, if not world view, vs. the woodlot should have been the scope of the context.

Massachusetts forests are reaching the point where mortality has and will exceed growth. Our temperate forests, which are over-crowded with trees and reaching 100 years, are significantly more susceptible to natural disturbance such as drought, insects, disease, fire, snow, ice, wind, tornado, and hurricane damage. Events cause widespread and elevated amounts of tree mortality and damage. Therefore, our forest have begun to be and will be sources of carbon and not sinks, which is contrary to goal of reducing atmospheric carbon level.

Climate change and invasive species (forest plant, insect, and diseases) has altered the intensity and frequency of the historical forest influential factors. Current models do not project the potential change in forest dynamics and adverse impacts that we are experiencing and, in the future, likely accelerate forest damage and mortality

The Regulations will have unintentional consequences that need to be factored into the decision making. Without viable markets for forest products and with complicated and such limiting rulemaking for biomass removal, landowners will sell off their land for development (the highest value) leading to increased carbon footprint, decreased opportunity to store carbon through our forests, and reduce our sustainability capability. Also, the Regulations are contrary to the Massachusetts Forest Practices Act goal of long-term sustainable management because they call for leaving behind 70% of the low quality trees which results in an undesirable high-grade forest.

Considering that DOER intentions appear to move forward with the existing Regulations, I offer the following suggestions that would meet the criteria of

sustainability, encourage landowners to protect their lands from development, and better manage their lands:

The following exceptions should be made to the Fuel Eligibility and Certificate Guidelines:

Forestlands, that are protected from development through chapter 61, 61A, and 61B, conservation easements or restrictions, and federal, state and municipal forestlands with forest stewardship plans or equivalent prepared by a Massachusetts Licensed Foresters should automatically be exempted from further regulation because they meet the existing Fuel Eligibility and Certificate Guidelines.

Any forestlands being managed under the Massachusetts Forest Practices Act, where the operations is being conducted under long-term management objectives and by a cut-to-length harvest process, should automatically be exempted from further regulation because the forests are managed in a silviculturally sound manner and tops, limbs, and cull woody debris in quantity will remain in place that meets the existing Fuel Eligibility and Certificate Guidelines.

These two suggestions assist and reward forestland landowners who protect their land from development and manage their lands in a sustainable manner. Also, the proposed exemptions are clear and easy to understand by the landowner.

Please contact me at 774-200-9726 if you have questions concerning my response to your call for public comments regarding 225 CMR 14.00 Renewable Energy Portfolio Standard (RPS) Regulation-Biomass Energy Rulemaking.

/s/ James N. DiMaio  
James N. DiMaio  
Private Citizen  
Land and Natural Resource Consultant